

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

NATHAN HOYE, )  
                    )  
Plaintiff,       )  
                    )  
v.                  ) Civil Action No. 19-1400  
                    ) Senior Judge Nora Barry Fischer  
ALLEGHENY COUNTY JAIL, )  
                    )  
Defendant.       )  
                    )

**MEMORANDUM ORDER**

The above captioned case was initiated by pro se Plaintiff Nathan Hoye on October 28, 2018, and was referred to United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court. (Docket No. 1). Plaintiff initially submitted a complaint without paying the filing fee or filing a motion for leave to proceed in forma pauperis. (*Id.*). He later submitted Motions for Leave to Proceed in forma pauperis on December 3, 2019 and December 23, 2019. (Docket Nos. 5; 7). On January 6, 2020, the Magistrate Judge issued a Report recommending that the Motions for Leave to Proceed in forma pauperis be denied as Plaintiff had not satisfied the imminent danger exception to the three strikes rule of 28 U.S.C. § 1915(g). (Docket No. 9). Plaintiff was served with the Report and Recommendation at his listed address of record and advised that written objections were due by January 23, 2020. To date, no objections have been filed nor has Plaintiff sought an extension in time in which to do so.

After *de novo* review of the pleadings and documents in this case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 28th day of January, 2020:

IT IS ORDERED that the Report and Recommendation [9] dated January 6, 2020 is

ADOPTED as the Opinion of the Court;

IT IS FURTHER ORDERED that Plaintiff's Motions for Leave to Proceed in forma pauperis [5] and [7] are DENIED and this case is DISMISSED, without prejudice, to Plaintiff reopening the matter by paying the full statutory and administrative filing fees of \$400.00;

IT IS FURTHER ORDERED that the Clerk of Court mark this case CLOSED; and,

FINALLY, IT IS ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

BY THE COURT:

s/Nora Barry Fischer  
Nora Barry Fischer  
Senior U.S. District Judge

cc: NATHAN HOYE  
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SCI Somerset  
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(via first class mail)